

Notice of Allowability

Application No.

09/936,287

Examiner

Victor Lesniewski

Applicant(s)

ROBINSON, GERALD A

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 14 February 2005.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ The drawings filed on 12 September 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

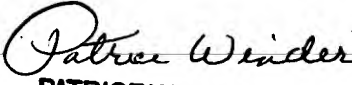
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


PATRICE WINDER
PRIMARY EXAMINER

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ALLOWANCE

1. The amendment filed 2/14/2005 has been placed of record in the file.
2. Claims 1, 2, 5, and 6 have been amended.
3. The objection to claim 6 is withdrawn in view of the amendment.
4. Claims 7 and 8 were previously canceled.
5. The applicant's arguments, see pages 9-13 of the amendment filed 2/14/2005, with respect to claims 1-6 have been fully considered and are persuasive. The rejection of claims 1-6 under 35 U.S.C. 103(a) has been withdrawn.
6. Claims 1-6 are allowed.

EXAMINER'S AMENDMENT

7. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to the applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given via telephone by Attorney Larry Nixon, Reg. No. 25640, on 6/2/2005.

The application has been amended as follows:

In the claims:

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In claim 1, line 27, after “comprises the substeps of”, please insert on a new line --(j) accessing its routing table in accordance with the virtual source node/destination node pair of that message to find the corresponding entry,--.

In claim 1, line 28, please replace “(j)” with --(k)--.

In claim 1, line 29, please replace “(j)” with --(k)--.

In claim 1, line 30, please replace “(k)” with --(l)--.

In claim 3, line 3, please replace “an initial substep (i) of” with --initially--.

In claim 4, line 8, please remove “, and each of the nodes”.

In claim 4, line 18, please replace “higher” with --lower--.

In claim 4, line 19, please replace “higher” with --lower--.

Allowable Subject Matter

8. The following is an examiner’s statement of reasons for allowance:

Claim 1 distinguishes itself over the prior art of record by delineating a method of routing a message in a communications network where the message contains a virtual source information element, distinct from a source information element and a destination information element, that can be dynamically changed by each node during routing in order to facilitate more efficient routing. More specifically, claim 1 shows a patentable distinction over the prior art for the way in which the virtual source information element is employed in the routing process. Although prior art systems may exist that use a field in the packet separate from a node source or node

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destination field to effectuate routing, these prior art systems do not support the routing process as claimed in the present invention. Notable differences lie in the separate uses of the virtual source information element for both a source mode and a transmit mode of operation as seen in step (h) where the node identity of the node from which the message was received is placed in the element and in step (l) where the node identity of the current node is placed in the element. Furthermore, the prior art gives no indication that it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to use a virtual source information element to complete these steps as claimed.

Claim 4 recites limitations similar to claim 1 and is allowed for the reasons given above.

Claims 2 and 3 are allowed due to their dependence on claim 1.

Claims 5 and 6 are allowed due to their dependence on claim 4.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Dommety et al. (U.S. Patent Number 6,151,319) disclosed a method for packet routing that uses a source route field that an ATM router may use to specify a particular route for

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the delivery of a data packet, but lacks the functionality of this source route field in relation to a routing process as claimed in the present invention.

- Kelley et al. (U.S. Patent Number 6,542,469) disclosed a method for packet routing based on disjoint pairs, but lacks the structure akin to a virtual source information element and the steps of the routing process as claimed in the present invention.
- Crawley et al. (RFC 2386: A Framework for QoS-based Routing in the Internet) disclosed a detailed description of packet routing where the Internet routing model of intra and interdomain routing is extended to support QoS, but lacks the routing functionality as claimed in the present invention.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987.

The examiner can normally be reached on Monday through Thursday.

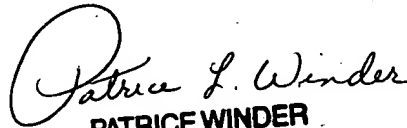
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor Lesniewski
Patent Examiner
Group Art Unit 2155



PATRICE WINDER
PRIMARY EXAMINER